



INFORMATION TECHNOLOGY LAW

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**Faculty of Law
University of Toronto**



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INFORMATION TECHNOLOGY LAW

University of Toronto, Fall 1999

Adjunct Professors: Donald M. Cameron & Richard C. Owens

In addition to these materials, other assigned course materials are available online at www.JurisDiction.com/itcourse99.htm.

COURSE MATERIALS - VOLUME 1: PRINTED MATERIALS

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I - INTELLECTUAL PROPERTY

A. Introduction to Intellectual Property

- 1 Mistrale Goudreau (English translation by David Vaver), "Protecting Ideas and Information in Common Law Canada and Quebec" (1983) 8 *Intellectual Property Journal*.

B. Copyright

(i) Canadian Case Law

- 16 *Delrina Corp. v. Triolet Systems Inc.* (1993), 47 C.P.R. (3d) 1 (O.G.C.D.).
- 44 *Prism Hospital Software Inc. v. The Hospital Records Institute* (1994), 57 C.P.R. (3d) 129 (B.C.S.C.) [headnote only].

(ii) United States Case Law

- 52 *Whelan Associates Inc. v. Jaslow Dental Laboratory Inc.*, 797 F.2d 1222, 1CCH Computer Cases, para. 45,015 (U.S.C.A. 3rd Cir., 1986).
- 62 *Computer Associates International Inc. v. Altai*, 982 F.2d 693, 3 CCH Computer Cases, para. 46,666 (U.S.C.A. 2nd Cir., 1992).
- 72 *Gates Rubber Company v. Bando Chemical Industries*, 9 F.3d 823, [1993] CCH Copyright Law Decisions (U.S.C.A. 10th Cir., 1993).
- 82 *Lotus Development Corporation v. Borland International*, 49 F.3d 807, 5 CCH Computer Cases, para. 47,217 (U.S.C.A. 1st Cir., 1995).

(iii) **United States Policy Paper**

89 United States of America, National Commission on New Technological Uses of Copyrighted Works, *Final Report*, dissent of Commissioner Hersey (Washington: July 31, 1978).

C. Patents

D. Trade Secrets and Confidential Information

(i) Canadian Case Law

115 *Pharand Ski Corp. v. The Queen in Right of Alberta* (1991), 37 C.P.R. (3d) 288 (Alta.Q.B.).

(ii) Introductory Material

140 Jeff C. Dodd, "Rights in Information: Conversion and Misappropriation Causes of Action in Intellectual Property Cases" (1995) 32 Houston Law Review 459.

161 Gale R. Peterson, *Trade Secret Protection in an Information Age* (Little Falls: Glasser LegalWorks, 1997) [excerpt].

E. Trade Marks

F. Integrated Circuit Topographies

G. Data Rights

(i) Case Law

221 *R. v. Stewart* (1988), 41 C.C.C. (3d) 481 (S.C.C.).

230 *GEAC J & E Systems Ltd. v. Craig Erickson Systems Inc.* (1992), 46 C.P.R. (2d) 25 (O.C.G.D.).

249 *U & R Tax Services Ltd. v. H & R Block Canada Inc.* (1995), 62 C.P.R. (3d) 17 (F.C.T.D.).

II - CRIMINAL LAW

259 Robert W.K. Davis & Scott C. Hutchinson, *Computer Crime in Canada* (Toronto: Carswell, 1997) [excerpt].

III - PRIVACY ISSUES

A. Newspaper and Journal Articles

- 287 Rheal Seguin, "Quebec police probe data sales: Firms said to buy government files" *The Globe and Mail* (6 March 1997) pp. A1, A6.
- 288 Ijeoma Ross, "Ottawa, provinces consider single ID card - Proposal central data registry would pool information on recipients of social benefits nationwide" *Globe and Mail* (26 May 1997) pp. A1, A7.
- 289 Richard C. Owens, Tom S. Onyshko and Peter C. Goode, "Reform Proposals relating to Customer Privacy and Tied Selling in the Federally Regulated Financial Services Sector" (paper presented to The Queen's Annual Business Law Symposium, "The Regulation of Financial Institutions: Issues & Perspectives," 22 November 1996) [excerpts].
- 329 Colin J. Bennett and Jason M. Young, "Toward Effective and Enforceable Privacy Protection: Policy Solutions for the Canadian Information Market" (1997) 13 *Canadian Intellectual Property Review* 243.

B. Quebec Legislation

- 337 *Civil Code of Quebec*, S.Q. 1991, c. 64, Chapter III - Respect of Reputation and Privacy.
- 338 *An Act Respecting the Protection of Personal Information in the Private Sector*, S.Q. 1993, c. 17.

IV - COMMERCIAL CONTRACTS AND LICENSING

A. Light Reading on Serious Risks

- 361 Evan I. Schwartz, "It's Time to Clean Up Credit Reporting" (18 May 1992) *Business Week* 52.
- 362 Peter G. Neumann, "Inside Risks: Aggravation by Computer: Life, Death and Taxes" (July 1992) 35 *Communications of the ACM* 122.
- 363 Peter G. Neumann, "Inside Risks: Fraud by Computer" (August 1992) 35 *Communications of the ACM* 154.
- 364 Peter G. Neumann, "Inside Risks: Accidental Financial Losses" (September 1992) 35 *Communications of the ACM* 194.

- 365 Peter G. Neumann, "Inside Risks: Where to Place Trust" (October 1992) 35 *Communications of the ACM* 138.
- 366 Barbara W. Rose, "Fatal Dose" (June 1994) *Saturday Night* 24.
- 373 Barbara W. Rose, "Technology - Danger: Software at Work" (24 February 1995) *Report on Business Magazine* 74.

B. Canadian Legislation

- 380 *Bankruptcy and Insolvency Act*, R.S.C. 1985, Chap. B-3 [excerpts].

C. Journal Articles

- 382 Bruce A. McDonald, "Copyright Issues Raised by the Outsourcing of Information Services" (September 1993) *Copyright World* 34.
- 391 Richard C. Owens, "Minimizing Risk with Third-Party Distributors" (1996) 2 *Software Marketing Journal* 48.

V - STRUCTURE, FINANCING AND TAXATION

A. Introductory Material

- 397 Richard C. Owens & Dale A.J. Dietrich, "Some Questions to Ask when Taking Security against Intellectual Property" (March 1997).
- 406 Tim S. Wach, "Intellectual Property and Taxation: Lecture Notes" (March 25, 1997).
- 413 Colleen Spring Zimmerman, Lise Bertrand and Leslie Dunlop, "Intellectual Property in Secured Transactions" (1991) 8 *Canadian Intellectual Property Review* 74.

B. Taxation

- 439 *Income Tax Act*, R.S.C. 1985, c.1 (5th Supp.) [excerpts].
- 443 *Convention between Canada and the United States of America with respect to Taxes on Income and on Capital signed on September 26, 1980*, as amended by the protocols signed on June 14, 1983 and March 28, 1984 [excerpts].

VI - THE INTERNET

VII - GOVERNANCE OF THE INTERNET

A. Introductory Material

- 449 Carolyn Pinsky, "The Internet: Brave New World or Same Old Thing?" (April 27, 1996).
- 486 Graham J.H. Smith et al, "Do We Want or Need an International Convention on Control of the Internet?" (paper presented to the Computer Law Association, Inc. 1997 CLA Pacific Rim Conference, Hawaii, 28 February 1997).

B. Foreign Legislation and Legal Activity

- 511 *The Singapore Broadcasting Authority Act*, Chap. 297, *The Schedule: Internet Code of Practice* (1996).
- 513 *The Singapore Broadcasting Authority (Class Licence) Notification* (1996).
- 519 Selwa Masri, "Attempts to Control the Internet: The Pacific Rim Experience" (paper presented by Thomas C. Dabney to the Computer Law Association, Inc. 1997 CLA Pacific Rim Conference, Hawaii, 28 February 1997 and copyright America Online, Inc.).

C. Links and Mega-tags

- 538 Robert M. Frank, "Cybernames: Domain Name Issues and Conflicts in Cyberspace" (1996) 12 *Canadian Intellectual Property Review* 367.
- 541 Glen A. Bloom and Thomas J. Denholm, "Research on the Internet: Is Access Copyright Infringement?" (1996) 12 *Canadian Intellectual Property Review* 337.

VIII - ELECTRONIC COMMERCE

A. Introductory Material

- 557 Raymond T. Nimmer, "Electronic Contracting: Legal Issues" (1996) *John Marshall Journal of Computer & Information Law: Selected Reprints* 3.

B. International Model Law

- 576 Fraser Rowand, "Memorandum on the UNCITRAL Model Law on Electronic Commerce" (Smith Lyons, 18 June 1997) [unpublished].
- 582 Richard Hill & Ian Walden, "The Draft UNCITRAL Model Law for Electronic Commerce: Issues and Solutions" (1996) 13:3 [March 1996] *The Computer Lawyer* 18.